

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

AVIA BIBEAU,

Plaintiff,

v.

3:24-CV-00248
(JUDGE MARIANI)

EAST STROUDSBURG UNIVERISTY,

EAST STROUDSBURG UNIVERSITY

POLICE DEPARTMENT,

WILLIAM PARRISH, NICK TIMAR,

LANETTE JONES, MARIA CUTSINGER,

KENNETH LONG, JENNIE SMITH

Defendants.

ORDER

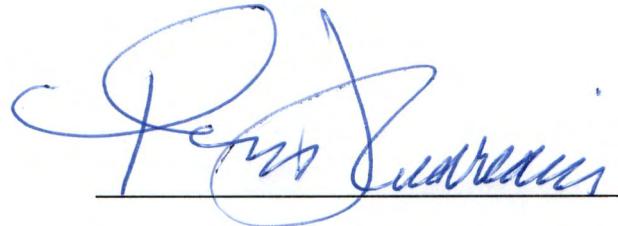
AND NOW, THIS 2nd DAY OF OCTOBER 2024, upon consideration of

Commonwealth Defendants' Partial Motion to Dismiss Complaint ("Motion") (Doc. 11), and

the parties' submissions, it is HEREBY ORDERED THAT:

1. The Commonwealth Defendants' Motion (Doc. 11) is **GRANTED**.
2. Counts I, II, and III of the Complaint (Doc. 1), Plaintiff's Title IX claims, are **DISMISSED WITH PREJUDICE** as to Defendants Parrish, Timar, Cutsinger, Long, and Smith (the "Individual Defendants").
3. The claims for punitive and emotional distress damages in Counts I, II, and III are **DISMISSED WITH PREJUDICE**.
4. The Title IX claims against Defendants East Stroudsburg University and the East Stroudsburg University Police Department (the "Institutional Defendants") in Counts I, II, and III may proceed.

5. Counts IV and V, Plaintiff's 42 U.S.C. § 1983 claims, are **DISMISSED WITH PREJUDICE** as to the Institutional Defendants.
6. Counts IV and V are **DISMISSED WITHOUT PREJUDICE** as to the Individual Defendants.
7. Plaintiff may file an Amended Complaint **within twenty-one (21) days** of the date of this Order, amending Counts IV and V as to the Individual Defendants only.
8. Count VI, Plaintiff's Pennsylvania Human Relations Act claim, is **DISMISSED WITH PREJUDICE**.
9. Count VII, Plaintiff's Pennsylvania Fair Educational Opportunities Act claim, is **DISMISSED WITH PREJUDICE**.



Robert D. Mariani
United States District Judge